

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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EVERETT JOHNSON, JR.

Petitioner,

V.

JEREMY BEAN, et al.,

Respondents.

Case No. 2:25-cv-00172-RFB-BNW

ORDER

Petitioner, Everett Johnson, Jr., has submitted to the court an *ex parte* motion for appointment of counsel. The motion is not accompanied by a formal pleading, only a letter explaining that petitioner is seeking relief from a criminal conviction in state court. Petitioner's avenue for relief in this court would be a petition for writ of habeas corpus under 28 U.S.C. § 2254. A petition for writ of habeas corpus filed by a person who is not represented by an attorney must be on the form provided by this court. See LSR 3-1, Local Rules of Practice, U.S. District Court of Nevada. Without a habeas petition on the court's approved form, this action has not been properly commenced, and the court is unable to determine whether appointment of counsel is warranted.

In addition, petitioner has neither paid the filing fee for a habeas proceeding (\$5.00) nor filed an application to proceed in forma pauperis. See Local Rule LSR 1-1. If he wishes to proceed in forma pauperis, petitioner must attach both an inmate account statement for the past six months and a properly executed financial certificate to his application. See 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2,

Thus, the present action will be dismissed without prejudice to petitioner complying with the foregoing requirements.

IT IS THEREFORE ORDERED that this action shall be **DISMISSED** without

1 prejudice, and petitioner's *ex parte* motion for appointment of counsel is **DENIED** as moot. If
2 petitioner wishes to pursue habeas relief in this court, he must initiate a new action by submitting
3 to the court a habeas petition on the form supplied by the court together with either the filing fee
4 (\$5.00) or an application to proceed *in forma pauperis* that includes an inmate account statement
5 for the past six months and a properly executed financial certificate. Petitioner may also file a
6 motion for appointment of counsel.

7 **IT IS FURTHER ORDERED** that the Clerk shall send petitioner two copies each of an
8 application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section
9 2254 habeas petition form, one copy of the instructions for each form, and a copy of the papers
10 that he submitted in this action.

11 **IT IS FURTHER ORDERED** that the Clerk shall close this case.
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14 **DATED:** July 16, 2025
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17 RICHARD F. BOULWARE, II
18 UNITED STATES DISTRICT JUDGE
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